

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT SUPERSEDING

## OFFENSE CHARGED

18 U.S.C. § 545 - Smuggling;  
 18 U.S.C. § 2320(a) - Trafficking in Counterfeit Goods;  
 18 U.S.C. §§ 982(a)(2)(B) and 2323(b) - Criminal Forfeiture.

Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY: See Attached

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION **FILED**

## DEFENDANT - U.S.

LIXIONG CHEN a/k/a JOHN CHEN

SEP 20 2018 *g*

SUSAN Y. SOONG

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLANDDISTRICT COURT NUMBER  
**CR 18 0450****JD**

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

HOMELAND SECURITY INVESTIGATIONS

person is awaiting trial in another Federal or State Court,  
 give name of court

this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

U.S. ATTORNEY  DEFENSE

this prosecution relates to a  
 pending case involving this same  
 defendant

prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under

SHOW  
DOCKET NO.  
}

MAGISTRATE  
CASE NO.  
}

Name and Office of Person  
 Furnishing Information on this form ALEX G. TSE

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S.  
 Attorney (if assigned)

MICHELLE J. KANE

This report amends AO 257 previously submitted

## PROCESS:

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

Attachment

Statutory Maximum Penalties

18 U.S.C. § 545: 20 years of imprisonment, \$250,000 fine, 3 years of supervised release, \$100 special assessment, forfeiture, and restitution.

18 U.S.C. § 2320: 10 years of imprisonment, \$2,000,000 fine, 3 years of supervised release, \$100 special assessment, forfeiture, and restitution.

United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE:

FILED

SEP 20 2018

*h*

UNITED STATES OF AMERICA,

v.

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

LIXIONG CHEN  
a/k/a John Chen,

CR 18 0450

*JD*

DEFENDANT.

INDICTMENT

18 U.S.C. § 545 – Smuggling; 18 U.S.C. § 2320(a) – Trafficking in Counterfeit Goods; 18 U.S.C. §§ 982(a)(2)(B) and 2323(b) – Criminal Forfeiture

A true bill.

*Heidi Gwosd*

Foreman

*Heidi Gwosd*

Filed in open court this 20 day of SEP 2018

*Ivy L. Garcia*

Clerk

NO BAIL WARRANT

Bail, \$

*Kandis Wistree* 9/20/18

1 ALEX G. TSE (CABN 152348)  
2 United States Attorney

FILED

SEP 20 2018

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SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

) CASE NO. CR 18 0450

JD

Plaintiff,

) VIOLATIONS: 18 U.S.C. § 545 – Smuggling; 18  
U.S.C. § 2320(a) – Trafficking in Counterfeit Goods;  
18 U.S.C. §§ 982(a)(2)(B) and 2323(b) – Criminal  
Forfeiture.

v.

) OAKLAND VENUE

LIXIONG CHEN

) UNDER SEAL

a/k/a John Chen,

Defendant.

INDICTMENT

The Grand Jury charges:

BACKGROUND

At all times relevant to the Indictment:

1. LIXIONG CHEN a/k/a JOHN CHEN (“CHEN”) was an individual conducting business in the Northern District of California.

2. CHEN operated businesses known as CBK Auto, CBK Holdings, Inc., CBK Wholesale, CBK USA, and Silicon Electronics, for which he used, among other locations, warehouse facilities and a house in Newark, California. CHEN also used web sites, including [www.bestcompu.com](http://www.bestcompu.com) and [www.cbkelectronics.com](http://www.cbkelectronics.com), in connection with his businesses. CHEN also used the eBay and Amazon

Document No.

INDICTMENT

1 op  
District Court  
Criminal Case Processing

sales platforms.

3. Through his businesses, CHEN imported and sold counterfeit goods, including electronics and computer accessories.

COUNTS ONE THROUGH FOUR: (18 U.S.C. § 545 – Smuggling Goods into the United States)

4. The factual allegations at Paragraphs One through Three are realleged as if set forth fully herein.

5. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant,

LIXIONG CHEN  
a/k/a JOHN CHEN,

did fraudulently and knowingly import and bring into the United States merchandise contrary to law, that is, goods including electronic devices and computer accessories bearing various counterfeit marks, as defined in 18 U.S.C. § 2320(f), in violation of 18 U.S.C. § 2320(a)(1).

Count	Date	Counterfeit Goods	Destination
One	October 17, 2013	Items bearing counterfeit Nokia, Universal Serial Bus (“USB”), Phillips, High Definition Multimedia Interface (“HDMI”), Underwriters Laboratory (“UL”), and Sanrio marks.	CBK Holding, 37390 Cedar Blvd., Suite C, Newark, CA
Two	November 21, 2013	Items bearing counterfeit Motorola, Apple, and UL marks.	Silicon Electronics, 5648 Forbes Dr., Newark, CA
Three	December 9, 2013	Items bearing counterfeit Motorola and Nokia marks.	Silicon Electronics, 5648 Forbes Dr., Newark, CA
Four	May 21, 2014	Items bearing counterfeit UL marks.	CBK Holding, Inc., 37390 Cedar Blvd., Suite C, Newark, CA

All in violation of Title 18, United States Code, Section 545.

COUNTS FIVE THROUGH SEVEN: (18 U.S.C. § 2320(a) – Trafficking in Counterfeit Goods)

6. The factual allegations at Paragraphs One through Three are realleged as if set forth fully herein.

7. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant,

LIXIONG CHEN  
a/k/a JOHN CHEN,

did intentionally traffic and attempt to traffic in the goods identified below, and knowingly used counterfeit marks on and in connection with such goods.

Count	Date	Counterfeit Goods	Shipped By
Five	January 2, 2014	Power adapter bearing counterfeit UL mark	Silicon Electronic, PO Box 14492, Fremont, CA 94539
Six	May 4, 2015	Power adapters bearing counterfeit Hewlett-Packard marks	CBK USA, 37390 Cedar Blvd., Suite C, Newark, CA 94560
Seven	June 26, 2017	Mobile phone screen bearing counterfeit Samsung mark	Silicon Electronic, 37390 Cedar Blvd., Suite B, Newark, CA 94560

All in violation of Title 18, United States Code, Section 2320(a)(1).

## CRIMINAL FORFEITURE ALLEGATIONS

8. The allegations contained in Counts One through Four of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 545 and Title 28, United States Code, Section 2461(c).

9. Upon conviction of any of the offenses alleged in Counts One through Four of this Indictment, defendant,

LIXIONG CHEN  
a/k/a JOHN CHEN,

26 shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), any property constituting, or  
27 derived from, proceeds obtained, directly or indirectly, as a result of the smuggling offenses, and,  
28 pursuant to 18 U.S.C. § 545 and 28 U.S.C. § 2461(c), any merchandise introduced into the United States

in violation of 18 U.S.C. § 545, or the value thereof.

10. The factual allegations of Counts Five through Seven are realleged as if set forth fully herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 2323(b).

11. As a result of his conviction on one or more of the felony offenses set forth in Counts Five through Seven of this Indictment, defendant,

LIXIONG CHEN  
a/k/a JOHN CHEN,

shall forfeit the following property, real or personal, to the United States:

- (1) Any article, the making or trafficking of which, is prohibited under Title 18, United States Code, Section 2320;
- (2) Any property used, or intended to be used, in any manner or part to commit or facilitate a violation of Title 18, United States Code, Section 2320;
- (3) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of Title 18, United States Code, Section 2320.

12. In the event that the property subject to forfeiture as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been placed beyond the jurisdiction of the Court;
- c. has been transferred or sold to, or deposited with a third party;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

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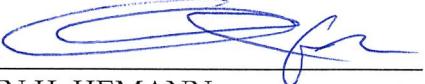
1 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title  
2 21, United States Code, Section 853(p), all pursuant to Title 18, United States Code, Section 2323(b).  
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Dated: 9/20/18

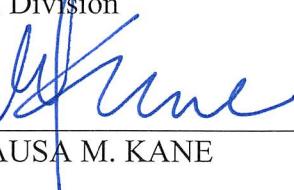
A TRUE BILL.

  
\_\_\_\_\_  
FOREPERSON

ALEX G. TSE  
United States Attorney

  
\_\_\_\_\_  
JOHN H. HEMANN

Deputy Chief, Criminal Division

(Approved as to form:   
\_\_\_\_\_  
AUSA M. KANE